

Carlos Hernández
Mayor

Jesus Tundidor
President

Monica Perez
Vice President



Council Members
Katharine Cue-Fuente
Oscar De la Rosa
Jacqueline Garcia-Roves
Paul B. Hernandez
Carl Zogby

City Council Meeting
Minutes
October 12, 2021
7:00 p.m.

1. CALL TO ORDER

A. REPORT: Council President Tundidor called the meeting to order at 7:13 p.m.

2. ROLL CALL

A. REPORT: Marbelys Fatjo, City Clerk, called the roll with the following Council Members present:

1. Council President Tundidor
2. Council Vice President Perez
3. Council Member Hernandez
4. Council Member De la Rosa
5. Council Member Garcia-Roves
6. Council Member Zogby

B. REPORT: City Clerk, Marbelys Fatjo, called the roll with the following Council Members absent:

1. Council Member Cue-Fuente

C. REPORT:

1. Mayor Carlos Hernandez was present
2. Lorena Bravo, City Attorney, was present.
3. Marbelys Fatjo, City Clerk, was present.

3. INVOCATION

A. REPORT: Marbelys Fatjo, City Clerk, led the invocation.

4. PLEDGE OF ALLEGIANCE

A. **REPORT:** Council Member De la Rosa led the Pledge of Allegiance.

5. MEETING GUIDELINES

The following guidelines have been established by the City Council:

- **ALL LOBBYISTS MUST REGISTER WITH THE CITY CLERK**
- As a courtesy to others, please refrain from using cellular telephones or other similar electronic devices in the Council Chamber.
- A maximum of three (3) speakers in favor and three (3) speakers in opposition will be allowed to address the Council on any one item. Each speaker's comments will be limited to three (3) minutes.
- No signs or placards, in support of or in opposition to an item or speaker, shall be permitted within the Council Chamber.
- Any person, whether participating via the web platform, telephonic conferencing or physical presence at City Hall, interested in making comments or posing questions on matters of public concern or on any item on the agenda, may do so during the meeting.
- Members of the public may address the City Council on any item pertaining to City business during the Comments and Questions portion of the meeting. A member of the public is limited to one appearance before the City Council and the speaker's comments will be limited to three (3) minutes.
- The public can view public meetings on the City's Facebook page (@CityofHialeah).
- Members of the public may hear the meeting live through telephonic conferencing using any telephone or cellular phone service. A smart device or computer are not necessary to participate in the meeting if you join by phone.
- All persons participating via the web platform will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. The video function of all participants appearing through video will be turned off until called upon to be heard.

REPORT: Marbelys Fatjo, City Clerk, read the meeting guidelines.

6. PRESENTATIONS

REPORT: None.

7. COMMENTS AND QUESTIONS

- A. **REPORT:** The Office of the City Clerk did not receive any email message to be read into the record from a person interested in making comments or posing questions on matters of public concern.
- B. **REPORT:** No one expressed interested in making comments or posing questions on matters of public concern registered with the Office of the City Clerk to participate live during the Comments and Questions portion of the meeting using Zoom.
- C. **REPORT:** No one in the meeting via Zoom expressed interest in making comments or posing questions on matters of public concern during this portion of the meeting.
- D. **REPORT:** One (1) individual present in the Council Chambers expressed interest in speaking during this portion of the meeting:
- (1) **Jorge Lazo**, with a home address of 8808 NW 143 Terrace, Miami Lakes, spoke regarding utilizing Goodlet Theater as a venue for shows.

8. ANNOUNCEMENT OF AMENDMENTS/CORRECTIONS TO THE AGENDA

- Consent Items BB, CC, DD, EE and FF have been added to the agenda and a copy has been placed on the dais for the City Council's review.

9. CONSENT AGENDA

All items listed under Consent Agenda with letter designations are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member, the Mayor or a resident so requests, in which case the item will be removed from the consent agenda and considered along with the regular order of business.

REPORT: Council Member Hernandez requested separate discussion on Consent Item FF.

REPORT: Council Member De la Rosa requested separate discussion on Consent Item DD.

REPORT: Motion to Approve the Consent Agenda, except items DD and FF, made by Council Member Zogby and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

- A. Request permission to approve the minutes of the City Council Meeting held on September 28, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- B. Request permission to approve the minutes of the Budget Meeting held on September 29, 2021.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- C. Request permission to waive competitive bidding, since it is advantageous to the City in that the City utilizes this vendor to provide notice to the public of competitive bids, and increase Purchase Order No. 2021-878, issued to the ALM Media, LLC, for advertisements published during fiscal year 2021, by an additional amount of \$1,135.19, to pay for the cost of pending invoices through the end of fiscal year 2021, for a total cumulative expense amount not to exceed \$6,033.28.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- D. Request permission to increase Purchase Order No. 2021-1243, issued to GRM Information Management Services, Inc., vendor under contract with the City for the service of off-premise storage of City records until July 17, 2023, by an additional amount of \$2,794.08, for a new total cumulative amount not to exceed \$35,894.08.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- E. Request permission to waive competitive bidding, since it is advantageous to the City, and increase Purchase Order 2021-2227, issued to Paldama Investment, Inc., also known as Island Fence of Dade, vendor providing the lowest quotation, for the installation of a new perimeter security chain link fence and gates to enclose the fire truck that will be stationed at the new Fire Station No. 9 Modular Trailer, as well as the emergency standby generator, by an additional amount of \$12,750.00, for a new total cumulative amount not to exceed \$38,600.00.
(CONSTRUCTION AND MAINTENANCE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- F. Request permission to utilize State of Florida Contract No. 80101500-20-1- *Management Consulting Services*, effective through February 29, 2024, and issue a purchase order to Maximus Consulting Services, Inc., to prepare a full cost and OMB Cost Allocation Plan for the City based on actual expenditures for the fiscal year that ended on September 30, 2020, in a total cumulative amount not to exceed \$21,000.00.
(FINANCE DEPARTEMNT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- G. Request permission to increase Purchase Order No. 2021-1033, issued to Biocollections Worldwide, Inc., as an exception to competitive bidding per Section 2-817 of the City's Code on the basis of an emergency based on objective facts in that on March 16, 2020 Mayor Hernandez signed a Declaration of a state of emergency due to the COVID-19 pandemic and the services of this vendor were used on an as needed

basis for the testing of City employees for the COVID-19 virus, for the payment of invoice number MI-38241, dated September 9, 2021, in the amount of \$31,275.00 for four hundred seventeen (417) COVID-19 tests at a cost of \$75.00 per test, by an additional amount of \$31,275.00, for a new total cumulative amount to exceed \$84,825.00.

(HUMAN RESOURCES DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- H. Request permission to make required payments to various vendors for services and utilities, including utilities of telephones, electric, water, gas, as well as the purchase of water, sewage disposal, solid waste dumping fees, freight and postage, and insurances, in a total cumulative amount not to exceed \$87,215,610.00.

(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- I. Request permission to issue a purchase order to Florida Bullet Incorporated, sole source distributor of Speer brand law enforcement ammunition and Federal Cartridge products in the State of Florida, to purchase ammunition for training, officer certifications, and for the SWAT Team, in a total cumulative amount not to exceed \$50,000.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- J. Request permission to utilize a contract between City of Hallandale Beach and this vendor awarded pursuant to Bid No. 2017-2018-014-001 – *Police Department Uniform Purchases*, effective through September 30, 2024, and issue a purchase order to Lou's Police Distributors, Inc., for the purchase of police uniforms for new hires and promotions during fiscal year 2022, in a total cumulative amount not to exceed \$175,000.00.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- K. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor has agreed to maintain the same price for fiscal year 2022 and this vendor is the only exterminator known to the Hialeah Police Department with an FCIC/NCIC level 1 security certificate which allows the vendor to work on the premises without supervision, and issue a purchase order to Terra Scape Pest Control Inc, for pest control services to the homes of canine police officers, the City's canine facility and police substations one through five, in a total cumulative amount not to exceed \$50,400.00.

(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- L. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2022, and issue a purchase order to VisualScape, Inc., for ground maintenance of Sector 3, in a total cumulative amount not to exceed \$83,998.00. On May 8, 2012, the City Council approved the recommendation of the Selection Committee pursuant to Request for Qualifications No. 2011/12-3210-12-010, and this vendor was selected for the pool of qualified grounds maintenance companies with demonstrated ability to provide quality services at low cost, requisite equipment, manpower and experience to perform grounds maintenance for the City.

(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- M. Request permission to waive competitive bidding, since it is advantageous to the City in that this vendor provides veterinarian services along with routine 24-hour emergency medical treatment, as well as indoor and outdoor kenneling for the Police Department's nine (9) K9 dogs, and issue a purchase order to VCA Animal Hospitals, Inc., for health related vaccines, necessary licensing for each animal from Metro Dade County, dental care plan, kenneling, and to maintain the physical health of each police canine dog, in a total cumulative amount not to exceed \$25,000.00 for fiscal year 2022.
(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- N. Request permission to increase Purchase Order No. 2021-530, issued to Synovia Solutions, LLC, for the GPS powered fleet tracking software for real time GPS tracking to track idle time, hard braking, acceleration and speeding in police cruisers in order to reduce the amount of accidents and aggressive driving, by an additional amount of \$7,318.68, to pay for services rendered during the month of September, for a new total cumulative amount not to exceed \$86,484.12.
(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- O. Request permission to retain the professional services of Gabriel, Roeder, Smith & Company, as actuary to the City, firm which is the current actuary for the Elected Officers Retirement Trust, in a total cumulative amount not to exceed \$18,542.00, fee which is based on hours for senior consultant and actuary, actuary consultant, senior analyst and actuary, as well as other staff as required.
(RETIREMENT DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- P. Request approval to retain the professional services of CapFinancial Partners, LLC, as the investment advisor to the City's General Employees Retirement System Board of Trustees, commencing on October 1, 2021 and ending on September 30, 2022, with the firm's fee based on quarterly statements and reports, in a total cumulative amount not to exceed \$143,000.00.
(RETIREMENT DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- Q. Request permission to issue a purchase order to Waste Connections of Osceola County, LLC, a sole source non-hazardous special waste landfill permitted to meet or exceed federal design and operating criteria included in Resource Conservation and Recovery Act Regulations, for the testing, hauling and disposal of non-hazardous special waste from the cleaning of storm drains on an as needed basis, at a rate of \$42.00 per ton, in a total cumulative amount not to exceed \$120,000.00.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- R. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2022, and issue a purchase order to Mystic Gardens, Inc., for ground maintenance of Sector 5, in a total cumulative amount not to exceed \$66,590.00. On May 8, 2012, the City Council approved the recommendation of the Selection Committee pursuant to

Request for Qualifications No. 2011/12-3210-12-010, and this vendor was selected for the pool of qualified grounds maintenance companies with demonstrated ability to provide quality services at low cost, requisite equipment, manpower and experience to perform grounds maintenance for the City.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- S. Proposed resolution approving a renewal of the Turf and Landscape Maintenance Department Funded Agreement with the State of Florida, Department of Transportation, for the maintenance of turf and landscape on designated state roads within the corporate limits of the City of Hialeah, attached as Exhibit “1”, for a term of one year, commencing on March 8, 2022 and ending on March 7, 2023, in an amount not to exceed \$142,872.00, and authorizing the Mayor and the City Clerk, as attesting witness, on behalf of the City, to execute the contract renewal, attached as Exhibit “2”; and all other customary and necessary documents to carry out this resolution; providing for an effective date.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-139

- T. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2022, and issue a purchase order to General Mow, LLC, for ground maintenance of Sector 2, in a total cumulative amount not to exceed \$79,000.00. On May 8, 2012 (Item O), the City Council approved the recommendation of the Selection Committee pursuant to Request for Qualifications No. 2011/12-3210-12-010, and this vendor was selected for the pool of qualified grounds maintenance companies with demonstrated ability to provide quality services at low cost, requisite equipment, manpower and experience to perform grounds maintenance for the City.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- U. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2022, and issue a purchase order to VisualScape, Inc., for ground maintenance of Sector 4, in a total cumulative amount not to exceed \$114,900.00. On May 8, 2012, the City Council approved the recommendation of the Selection Committee pursuant to Request for Qualifications No. 2011/12-3210-12-010, and this vendor was selected for the pool of qualified grounds maintenance companies with demonstrated ability to provide quality services at low cost, requisite equipment, manpower and experience to perform grounds maintenance for the City.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- V. Request permission to waive competitive bidding, since it is advantageous to the City in that the vendor has agreed to keep the same cost of service for fiscal year 2022, and issue a purchase order to General Mow, LLC, for ground maintenance of Sector 1, in a total cumulative amount not to exceed \$54,240. On May 8, 2012 (Item O), the City Council approved the recommendation of the Selection Committee pursuant to Request for Qualifications No. 2011/12-3210-12-010, and this vendor was selected for the pool of qualified grounds maintenance companies with demonstrated ability to provide quality services at low cost, requisite equipment, manpower and experience to perform grounds maintenance for the City.
(STREETS)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- W. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Defined Benefit/Defined Contribution Plans, commencing on October 1, 2021 and ending on September 30, 2022, with the firm's compensation fee based on quarterly statements and reports, for \$65,000.00.
(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- X. Request approval to retain the professional services of Burgess Chambers and Associates, Inc., as the investment advisor for the Elected Officers Retirement Trust, commencing on October 1, 2021 and ending on September 30, 2022, with the firm's compensation fee being based on quarterly statements and reports, for \$45,000.00.
(OFFICE OF MANAGEMENT AND BUDGET)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- Y. Request from San Lazaro Catholic Church and Shrine, located at 4400 West 18th Avenue, Hialeah, Florida, for a permit to host a procession on Friday, December 17, 2021, commencing at 8:30 p.m., beginning on church grounds, traveling on West 44th Place to West 16th Avenue, West 16th Avenue to West 42nd Street, West 42nd Street to West 18th Avenue, and West 18th Avenue ending at the church grounds, in accordance with recommendations from the Police Department and Fire Department.
(OFFICE OF THE CITY CLERK)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- Z. Report of Scrivener's Error – On October 27, 2021, the City Council approved Consent Item W, approving an expenditure in an amount not to exceed \$16,380.00 to be funded from account number 001.1000.521.492, for the purchase of a one (1) year subscription to CLEAR for Law Enforcement Plus & Clear Government Arrest Gateway Pro Add-on. The item was approved with the incorrect account number reflected on the agenda item letter from the Police Chief to the Mayor and City Council Members. The agenda item letter is being amended to reflect the correct account number as 001.1000.521.340.
(POLICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- AA. Proposed resolution authorizing the expenditure of an amount not exceeding \$40,000.00 of Coronavirus State and Local Fiscal Recovery Funds to award a grant to Action Cleaning Services AP, Inc., a Florida corporation, for the purpose of funding premium pay in the form of a one-time, lump-sum payment in an amount not exceeding \$2,000.00 to each sanitation worker identified on the list attached as Exhibit "1" to the resolution, if eligible, pursuant to the American Rescue Plan Act of 2021, in recognition of the essential work performed by each during the COVID-19 public health emergency for the City of Hialeah; authorizing the Mayor to make any justifications, analysis, reporting and decision making necessary to adhere to the requirements of the state and local fiscal recovery funds of the American Rescue Plan Act of 2021 as it relates to premium payments; authorizing the Mayor and the City Clerk, on behalf of the City to execute a Sub-Grant Agreement in a form approved by the City Attorney; and providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-140

- BB.** Request permission to utilize Lake County Contract No. 17-0606H – *Fire Equipment, Parts, Supplies and Services*, and issue a purchase order to Municipal Equipment Company, LLC., for the purchase of battery powered saws and cutting blades, in a total cumulative amount not to exceed \$17,835.00.
(FIRE DEPARTMENT)
(GRANTS AND HUMAN SERVICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- CC.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to G, J&L, Inc., vendor providing the lowest quotation, for the purchase of one (1) Kawasaki Special Utility ATVs to be used by the Hialeah Fire Department during special events for the transporting of EMS patients to rescue vehicles, in a total cumulative amount not to exceed \$17,446.04.
(FIRE DEPARTMENT)
(GRANTS AND HUMAN SERVICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

- DD.** Request permission to waive competitive bidding, since it is advantageous to the City, and issue a purchase order to Wilson Yacht Group, Inc., doing business as Suncoast Inflatables, for the purchase of a 13' aluminum rescue boat, motor and trailer to be used by the Hialeah Fire Department for the purpose of water rescues or extreme weather emergencies, in a total cumulative amount not to exceed \$19,453.95.
(FIRE DEPARTMENT)
(GRANTS AND HUMAN SERVICE DEPARTMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Eric Johnson, Local 1102, spoke on this item.

REPORT: Willians Guerra, Chief of the Hialeah Fire Department, spoke via Zoom on this item.

REPORT: Motion to Approve the Consent Item DD made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

- EE.** Proposed resolution approving a change of broker and the selection of Pinetree Capital, doing business as Emphasis Benefits, as exclusive broker for the City on voluntary supplemental products; waiving competitive bidding and approving a service agreement between the City of Hialeah and U.S. Enrollment Services to provide open enrollment and new hire benefits enrollment for the plan year beginning January 1, 2022 at no cost to the City; authorizing the Mayor, or his designee, and the City Clerk, as attesting witness, on behalf of the City, to execute a services agreement in a form as approved by the City Attorney; and providing for an effective date.
(RISK MANAGEMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-141

- FF.** Proposed resolution approving the selection of AETNA as the City's fully insured and Dental PPO insurance carrier for the plan year beginning January 1, 2022 and ending December 31, 2022 for an anticipated expenditure of \$9,910,167 for health and \$626,027 for dental; authorizing the Mayor, or his designee, and the

City Clerk, as attesting witness, on behalf of the City, to execute a services agreement in a form as approved by the City Attorney; and providing for an effective date.
(RISK MANAGEMENT)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

RESOLUTION NO. 2021-142

REPORT: Lorena Bravo, City Attorney, spoke on this item.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Pete Cabrera, on behalf of Pinetree Capital, also known as NFP Corporate Services, addressed the City Council via Zoom.

REPORT: Todd Brown, on behalf of Pinetree Capital, also known as NFP Corporate Services, addressed the City Council via Zoom.

REPORT: Motion to Approve the Consent Item FF made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

10. ADMINISTRATIVE ITEMS

- 10 A.** Second reading and public hearing of proposed ordinance amending certain provisions of the City of Hialeah Code of Ordinances related to impact fees, specifically Division 3 in Chapter 98, Article VIII entitled Fire Rescue Impact Fee to provide uniformity and consistency in administration and procedures applicable to impact fees pursuant to the City of Hialeah Consolidated Impact Fee Ordinance No. 2021-059 (June 22, 2021), effective October 22, 2021 and codified at Hialeah, Fla. Code §§98-2521 through 98-2584; adopting an updated schedule of fire rescue impact fees and classifying uses of property subject to such impact fees; providing for the use of fire rescue impact fee monies collected; providing for notice of the updated schedule of fire rescue impact fees; providing for a savings clause; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violations hereof; providing for severability; providing for inclusion in the code; and providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

ORDINANCE NO. 2021-102

On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Eric Johnson, Local 1102, spoke in favor of the approval of this item.

REPORT: Motion to Approve Item 10 A made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

- 10 B.** First reading of proposed ordinance amending its Comprehensive Plan to incorporate a new element, the Property Rights Element, Objective 1.1, Policy 1.1.1 through 1.1.4, as provided in Exhibit “A”; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.
(ZONING)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Motion to Approve Item 10 B made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Second reading and public hearing is scheduled for October 26, 2021.

- 10 C.** First reading of proposed ordinance amending Chapter 2 entitled “Administration”, Article II. - entitled “Departments, Offices and Divisions”, of the Code of Ordinances of the City of Hialeah by eliminating Division 11 Community Development Department and elevating the divisions of Building, Planning and Zoning, and Business Tax to department status as Division 11, 21 and 22, respectively; retaining Code Compliance as a division of building; providing for a new Division 23, to create a new department entitled “Special Events Department” with attendant duties and responsibilities; providing for a new Division 24, to create a new department entitled “Media And Public Relations Department” with attendant duties; repealing all ordinances or parts of ordinances in conflict herewith; providing for inclusion in the code; providing for severability; providing for an effective date.
(ADMINISTRATION)

APPROVED AS AMENDED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Lorena Bravo, City Attorney, addressed the City Council on this item.

REPORT: Mayor Hernandez spoke on this item.

REPORT: Ines Beecher, Director of the City’s Office of Management and Budget, spoke on this item.

REPORT: Jorge Hernandez, Milander Center Director, spoke via Zoom.

REPORT: Motion to Approve Item 10 C as Amended made by Council Vice President Perez, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Second reading and public hearing is scheduled for October 26, 2021.

- 10 D.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 86, entitled “Taxation and Fees”, to clarify the local business tax application requirements; Article II Local Business Tax, § 86-26 entitled “Definitions”, § 86-37 “False Statements”; § 86-40 “Exemptions” § 86-42 “Determination of Classification of a Business”; § 86-44 “Expiration Date of Business Tax Receipt”; Delinquency”; § 86-45 “Business Tax Receipt for Fractional Part of Year”; § 86-46 “Transfer of Location, Ownership or Change of Name, Except When Prohibited”; § 86-53 “Denial of Business Tax Receipt”. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Motion to Approve Item 10 D made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Second reading and public hearing is scheduled for October 26, 2021.

- 10 E.** First reading of proposed ordinance amending the Hialeah Code of Ordinances Chapter 18 entitled “Businesses” replacing Occupational License and Licensing Department references with Business Tax Receipt and Business Tax Department and to provide for new standards for business establishments and to conform to Florida law; Article II Carnivals, Shows and Exhibits, specifically amending § 18-29 “Permit; Operating Standards”; Article III Amusement Machines; § 18-61 “Definitions”; § 18-65 “Business Tax Receipts and Amusement Machine Decals”; § 18-66 “Type II Amusement Machines, Limitations”; § 18-70 “Seizure of Machines”; § 18-71 “Hours of Operation in industrial-zoned properties”; Article V establishments offering alcoholic beverages and/or entertainment; Division 1 Generally; § 18-206 “Definitions”; Division 2 “License”; § 18-236 “Required”; § 18-237 State Alcoholic Beverage License Required; § 18-239 “Denial”; § 18-240 “Revocation”; § 18-241 “Closing and Sealing of Establishments”; Article VI “Peddlers, Solicitors, Itinerant Vendors”; Division 2 Peddlers, Itinerant Vendors; § 18-305 “State Sales Tax Identification Number and Display of City Identification Required”; § 18-307 “Application”; § 18-309 “Sale of Fireworks from Tents”; § 18-310 “Direct Sales”; Article VII “Precious Metal Dealers”; Division 2 License; § 18-401 “Information Required”; Article VIII “Secondhand Goods Dealers”; Division 2 License; § 18-461 “Information Required”; Article X Race Prediction Publications; Division 2 License; § 18-583 “Issuance; Tax”; Article XI Used Tire Dealers; § 18-612 “Registration of Business”. Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; providing for inclusion in the code; and providing for an effective date.
(ADMINISTRATION)

APPROVED 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Yesenia Gruich, Occupational License Official, addressed the City Council on this item via Zoom.

REPORT: Motion to Approve Item 10 E made by Council Member Zogby, and seconded by Council Member Hernandez. Motion passes 6-0-1 with Council Member Cue-Fuente absent.

REPORT: Second reading and public hearing is scheduled for October 26, 2021.

11. BOARD APPOINTMENTS

A. REPORT: None.

12. UNFINISHED BUSINESS

A. REPORT: None.

13. NEW BUSINESS

A. REPORT: None.

REPORT: Council Member De la Rosa and Council Member Hernandez left the meeting at 8:39 p.m.

14. ZONING

PLANNING AND ZONING

- PZ 1.** Second reading and public hearing of proposed ordinance granting a Conditional Use Permit (CUP) to allow a K-2 Grade School with a maximum enrollment of 20 students, pursuant to Hialeah Code of Ordinances § 98-181. **Property located at 4975 West 6 Avenue, Hialeah, zoned C-2 (Liberal Retail Commercial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

POSTPONED UNTIL FURTHER NOTICE

<i>On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.</i>
<i>Registered Lobbyist: Ceasar Mestre, Esq., 8105 NW 155 Street, Miami Lakes, Florida 33016, on behalf of PLA Fine Arts Center #2, LLC.</i>
<i>On September 8, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Leslie Piciollo and Lazaro Piciollo 12785 SW 22 Street, Miramar, Florida 33027. Palm Springs Mile Assoc. LTD., 419 West 49 Street, Hialeah, Florida Suite 300, 33012.</i>

- PZ 2.** Second reading and public hearing of proposed ordinance granting a Special Use Permit (SUP) pursuant to the Hialeah Code of Ordinances § 98-161, to allow the use of a prefabricated building on a property zoned M-1 (Industrial District) for an extended period of time not exceeding 6 months from the effective day of this ordinance, for a temporary sorting facility for the loading and unloading, sorting and distribution of mail packages (extending for 6 months the 12 month period previously granted by the City of Hialeah, FL Ordinance 2020-067). **Property located at 6001 East 8 Avenue, Hialeah, zoned M-1 (Industrial District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-103

On September 28, 2021, the City Council approved the item as amended on first reading. Second reading and public hearing is scheduled for October 12, 2021.

On September 8, 2021, the Planning and Zoning Board recommended approval of this item.

Planner's Recommendation: Approval.

Property Owner: United Parcel Service, Inc.

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Rick Garcia, on behalf of United Parcel Service Inc (UPS), addressed the City Council via Zoom after being duly sworn-in.

REPORT: Motion to Approve Item PZ 2 made by Council Vice President Perez, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

- PZ 3.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a rear setback of 12 feet, where 20 feet are required, and to allow side setbacks of 5 feet, where 5.04 feet are required; and allow 38.6% lot coverage, where 30% is the maximum allowed; all contra to Hialeah Code of Ordinances §§ 98-501, 98-502 and 98-2056(b)(2). **Property located at 6574 West 22 Court, Hialeah, zoned R-3-5 (Multiple-Family District and Developed as R-1(One Family District)).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-104

On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.

On September 8, 2021, the Planning and Zoning Board recommended approval of this item.

Planner's Recommendation: Approval.

Property Owner: Carlo I. Perez and Tania Perez, 6574 West 22 Court, Hialeah, Florida 33016

REPORT: Council President Tundidor opened the item for public participation and no one present in
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the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Debora Storch, City's Planning Official, addressed the City Council on this item.

REPORT: Motion to Approve Item PZ 3 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

- PZ 4.** Second reading and public hearing of proposed ordinance granting a variance permit to allow an LED wall sign with a single fixed image, outside the geographic area, where LED signs are not allowed; contra to Hialeah Code of Ordinances § 7-12(b). **Property located at 383 West 36 Terrace, Hialeah, zoned RO (Residential Office).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-105

<i>On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.</i>
<i>On September 8, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Figast Inc., P.O Box 560911, Miami, Florida.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Debora Storch, City's Planning Official, addressed the City Council via Zoom on this item.

REPORT: Motion to Approve Item PZ 4 made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

- PZ 5.** Second reading and public hearing of proposed ordinance rezoning property from R-1 (One Family District) to P (Parking District). **Property located at 490 East 10 Street, Hialeah zoned R-1 (One Family District)** to allow for 26 parking spaces; repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-106

<i>On September 28, 2021, the City Council approved the item on first reading. Second reading and public hearing is scheduled for October 12, 2021.</i>
<i>Registered Lobbyist: Manny Reus, Architect, 18501 Pines Blvd, Pembroke Pines, Florida 33029, on behalf of 490 Hialeah, LLC</i>
<i>On September 22, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Mitchel Sabina, 7767 NW 146th Street, Miami Lakes, Florida 33016.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item PZ 5 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

PZ 6. Second reading and public hearing of proposed ordinance granting a variance permit to allow west side setback of 5 feet, where 7.5 are required; rear setback of 19 feet for main house, where 25 feet are required; allow proposed lot coverage of 31.2% where 30% lot coverage is the maximum allowed for the legalization of existing improvements and conversion of a single family house into a duplex; and allow 21 feet rear yard depth from the rear east side of the main house to the front of a proposed accessory building, where 25 feet are required; all contra to Hialeah Code of Ordinances §§ 98-546, 98-547(a) and 98-2056(b)(2). **Property located at 444 East 17 Street, Hialeah, zoned R-2 (One-and-Two Family Residential District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-107

<i>Registered Lobbyist: Anthony Bustamante, 770 Ponce De Leon Blvd, Suite 302B, Coral Gables Florida, 33134, on behalf of Lazaro and Magaly Barroso.</i>
<i>On September 22, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: Lazaro Barroso and Magaly Barroso, 444 East 17 Street, Hialeah, Florida 33010.</i>

REPORT: Council President Tundidor opened the item for public participation and no one present in the Council Chambers expressed interest in speaking during this portion of the meeting.

REPORT: Motion to Approve Item PZ 6 made by Council Member Garcia-Roves, and seconded by Council Member Zogby. Motion passes 4-0-3 with Council Member Cue-Fuente, Council

Member De la Rosa and Council Member Hernandez absent.

- PZ 7.** Second reading and public hearing of proposed ordinance granting a variance permit to allow a Temporary Waiver of Plat provided that the property will be platted within 18 months of the approval of this ordinance. **Property located at 3861 West 108 Street, Hialeah, zoned BDH (Business Development District).** Repealing all ordinances or parts of ordinances in conflict herewith; providing penalties for violation hereof; providing for a severability clause; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

ORDINANCE NO. 2021-108

<i>On September 22, 2021, the Planning and Zoning Board recommended approval of this item.</i>
<i>Planner's Recommendation: Approval.</i>
<i>Property Owner: BSREP Hialeah Gardens, a wholly owned indirect subsidiary of Brookfield Strategic Real Estate Partners III</i>

REPORT: Motion to Approve Item PZ 7 made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

15. FINAL DECISIONS

- FD 1.** Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-16** that granted an adjustment on the property located at **5891 East 6 Avenue, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

RESOLUTION NO. 2021-143

<i>On September 8, 2021, the Planning and Zoning Board recommended approval of this item with the condition that the terrace remains open on 3 sides and all the required legalizations is completed within 180 days.</i>
<i>Planner's Recommendation: Approve with conditions.</i>
<i>Property Owner: Yusimi Cintra, 5891 East 6th Avenue, Hialeah, Florida 33013</i>

REPORT: Motion to Approve Item FD 1 with conditions made by Council Member Zogby, and seconded by Council Vice President Perez. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

FD 2. Proposed resolution approving the Final Decision of the Planning and Zoning Board, **Decision No. 2021-17** that granted an adjustment on the property located at **644 East 4 Street, Hialeah, zoned R-1 (One-Family District)**; and providing for an effective date.

APPROVED 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

RESOLUTION NO. 2021-144

On September 22, 2021, the Planning and Zoning Board recommended approval of this item with the condition that the two windows on the west side of the house are removed, a privacy fence and dense landscaping will be provided on the west side setback and the proposed new layout and legalizations get completed within 180 days.

Planner's Recommendation: Denial

Property Owner: Maylen Duquesne & Jesus Duquesne, 644 SE 4th Street, Hialeah, Florida 33010.

REPORT: Debora Storch, City's Planning Official, addressed the City Council via Zoom on this item.

REPORT: Motion to Approve Item FD 2 with conditions made by Council Member Zogby, and seconded by Council Member Garcia-Roves. Motion passes 4-0-3 with Council Member Cue-Fuente, Council Member De la Rosa and Council Member Hernandez absent.

REPORT: Council President Tundidor adjourned the meeting at 8:53 p.m.

NEXT CHARTER SCHOOL OVERSIGHT COMMITTEE MEETING: Tuesday, December 14, 2021 at 6:30 p.m.

NEXT CITY COUNCIL MEETING: Tuesday, October 26, 2021 at 7:00 p.m.

Anyone wishing to obtain a copy of an agenda item should contact the Office of the City Clerk at (305) 883-5820 or visit at 501 Palm Avenue, 3rd Floor, Hialeah, Florida, between the hours of 8:30 a.m. and 5:00 p.m.

Persons wishing to appeal any decision made by the City Council, with respect to any matter considered at the meeting, will need a record of the proceedings and, for such purposes, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

An ordinance or resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto. If the Mayor's veto is sustained, the affected ordinance or resolution does not become law and is deemed null and void.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the proceeding should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the proceeding; if hearing impaired you may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice).